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**FROM:** Charles B. Cappellari  
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**TO: Examiner: Lacourciere, K.**  
Group 1635

**U.S. Patent & Trademark Office**

**Facsimile No. (703) 872-9306**

Number of pages (including this cover page): 4

In re Patent Application of:	)	Group Art Unit: 1635
	)	
BECKER <i>et al.</i>	)	Examiner: Lacourciere, K.
	)	
Serial No. 09/808,558	)	Atty. Docket No. GP068-05.CN3
	)	
Filed: March 14, 2001	)	Confirmation No. 3920
	)	
Title: MODIFIED OLIGONUCLEOTIDES	)	Date: June 7, 2004
AND METHODS FOR	)	
DETERMINING THE PRESENCE	)	
OF A NUCLEIC ACID ANALYTE	)	
IN A SAMPLE	)	

Transmitted herewith are the following:

- 1) Transmittal Form PTO/SB21; and
- 2) Response to Communication (2 pgs.).

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Date: June 7, 2004

By: 

Charles B. Cappellari  
Registration No. 40,937

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/808,558
	Filing Date	March 14, 2001
	First Named Inventor	Michael M. Becker
	Art Unit	1635
	Examiner Name	Lacourciere, K.
	Attorney Docket Number	GP068-05.CN3
Total Number of Pages in This Submission	4	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks _____	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Charles B. Cappellari
Signature	<i>Charles B. Cappellari</i>
Date	June 7, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Charles B. Cappellari
Signature	<i>Charles B. Cappellari</i>
Date	June 7, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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METHODS FOR DETERMINING THE	)	
PRESENCE OF A NUCLEIC ACID	)	
ANALYTE IN A SAMPLE	)	

**RESPONSE TO COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Communication mailed on June 2, 2004 in the subject application, Applicants submit that their Amendment dated March 19, 2004 was in compliance with the requirements of 37 C.F.R. § 1.121(c), as there was no change to an existing claim, cancellation of an existing claim or addition of a new claim. Applicants' representative discussed this matter with the Examiner on the below-indicated date, and the Examiner agreed. Accordingly, Applicants again respectfully request consideration of their Amendment dated March 19, 2004.

No fee is believed due in connection with this Response. If Applicants are mistaken, please charge any amount due to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

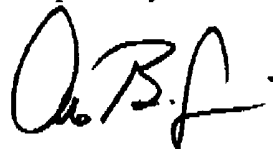
RESPONSE TO  
COMMUNICATION

Serial No. 09/808,558  
Atty. Docket No. GP068-05.CN3

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Respectfully submitted,



Date: June 7, 2004

By:

Charles B. Cappellari  
Registration No. 40,937  
Attorney for Applicants

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